IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 11342 of 2007(A)

PETITIONER:

M.R.PREMDAS, S/O.RAMANADHAN,
MELATHU VEEDU, VALIYA CHALLA, MUTHALAMADA,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY TO THE DEPARTMENT OF KERALA EXCISE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER,
BOARD OF REVENUE, THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
PALAKKAD.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.11342 OF 2007

DATED THIS THE 9th DAY OF APRIL, 2007

JUDGMENT

The petitioner was a toddy shop licencee. His licence was cancelled and the toddy shop was under the departmental management. The petitioner submits that on the belief that there were actually arrears of licence fees due from him, the departmental management fee due to the petitioner has been allowed to be adjusted against the alleged arrears due from him. Now the petitioner realises that no arrears are due from him. Therefore he is entitled to get refund of the sum of Rs. 78,298/-, which was due to him and adjusted, the petitioner submits. The petitioner seeks a direction to the 2nd respondent to consider and pass orders on Ext.P2 filed by the petitioner in this regard.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader. In view of the facts and circumstances of the case, there would be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P2 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. I make it clear that I have not

considered the claim of the petitioner on merits regarding his entitlement for refund and it would be for the 2nd respondent to consider the claim on merits and pass appropriate orders in accordance with law.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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